

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

## **ENVIRONMENTAL ASSESSMENT**

**STB Docket NO. AB-6 (Sub-No. 409X)**

**The Burlington Northern and Santa Fe Railway Company–  
Abandonment Exemption–in Jefferson, Thayer and  
Nuckolls Counties, NE, and Republic County, KS**

### **BACKGROUND**

In this proceeding, the Burlington Northern and Santa Fe Railway Company (BNSF) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 to abandon and discontinue service over a 39.95-mile line of railroad between milepost 167.78 near Superior, NE, and milepost 127.83 near Reynolds, NE, in Jefferson, Thayer and Nuckolls Counties, Nebraska and Republic County, Kansas. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

### **DESCRIPTION OF THE LINE**

According to BNSF, the right-of-way was acquired by the Republican Railroad Company in 1880 and 1881, a predecessor to the Chicago Burlington and Quincy Railroad (CBQ). In 1970 CBQ merged with other railroads to become part of the Burlington Northern (BN). In 1995 the BN merged with the Atchison Topeka and Santa Fe Railway Company to become part of BNSF.

In its petition, BNSF states that due to excessive rain in June 2003, the line suffered severe damage and washouts. The damage was so severe that the entire line east of Hardy, a station about eight miles east of Superior, has been out of service since June 2003. BNSF states that in 1980, the former BN handled 1,849 cars on the Superior to Reynolds line compared with the 105 handled in 2002. BNSF states that this is a 94.3% decline in traffic since 1980. Although the inbound shipments to the line increased from 48 cars handled in 1980 to 60 cars handled in 2002, the outbound shipments declined by 96.9% during the 22 years. In 1980, 1,801 cars were shipped, but in 2002 only 55 cars were shipped.

BNSF states that declining revenues generated on the line do not justify incurring the projected costs of operating the Pawnee-Endicott line, i.e. the cost to maintain the track and bridges on the 39.95 miles between Superior and Reynolds and restoring the track to normal operating conditions. Due to flooding in June 2003, an expenditure estimated in the range of \$1

million is required to rehabilitate the Superior-Reynolds line to restore the line to Federal Railroad Administration Class I standards.

Two customers have used the Superior to Reynolds line during the past four years. One customer is Aurora Cooperative of Aurora, NE which has grain elevators and fertilizer facilities located along the line at Hardy, Bryron, Chester and Hubbell. The other customer is AGP which has a grain elevator at Chester. According to BNSF, the shippers on the line have feasible transportation alternatives and the shippers have indicated that they support the abandonment.

This area of Nebraska is agricultural in nature with corn, milo, wheat and soybeans as the major crops. The adjoining land is flat to hilly. The right-of-way is 100 feet wide except for station grounds which can vary in width. This area of Nebraska has a relatively low population density but produces an abundance of grain and other crops.

## **ENVIRONMENTAL REVIEW**

BNSF submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post abandonment activities, including salvage and disposition of the right-of-way. BNSF served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules at 49 CFR 1105.7(b). Also, consultations have been made with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included: Deputy State Historic Preservation Office Kansas State Historical Society; Bureau of Land Management; Kansas Department of Wildlife & Parks; U.S. Army Corps of Engineers - Omaha District; U.S. Department of the Interior National Park Service; Bureau of Land Management Newcastle Field Office; Nebraska Game and Parks Commission; U.S. Army Corps of Engineers - Kansas State Regulatory Office; Jefferson County Commissioner; Thayer County Board of Supervisors; Republic County Board of Commissioners; Nuckolls County Roads, Nuckolls County Emergency Management; Natural Resources Conservation Service (Nelson, Fairbury, Hebron and Lincoln, NE; Hutchinson, KS); Jefferson County Zoning Administration; Thayer City Zoning; Nuckolls County Board of Commissioner; Nuckolls County Attorney; U.S. Department of Agriculture; U.S. Fish & Wildlife Service (Grand Island, NE and Denver, CO); Nebraska Department of Roads; Kansas Department of Transportation; Kansas Department of Health and Environment; National Geodetic Survey; Nebraska Public Service Commission; Kansas Corporation Commission and Nebraska Department of Environmental Quality.

The National Geodetic Survey (NGS) has submitted comments stating that 23 geodetic station markers have been identified that may be affected by the proposed abandonment. NGS states that if there are any planned activities which will disturb or destroy these makers, NGS requires not less than 90 days notification in advance of such activities in order to plan for their

relocation.

The Nebraska office of the U.S. Fish and Wildlife Service (Nebraska FWS) has submitted comments recommending that, pursuant to the provisions of the Migratory Bird Treaty Act, if salvage activities take place during the nesting season of migratory birds, field surveys should be conducted to determine the presence or absence of migratory birds prior to the commencement of salvage activities. We will recommend a condition requiring BNSF to consult with Nebraska FWS regarding its recommendations.

Using the traffic data from 2002, the proposed abandonment could result in the conversion of 165 railcars to truck traffic. Using a conversion factor of 4 trucks per rail car,<sup>1</sup> the Section of Environmental Analysis calculated that, if all the rail traffic is diverted to truck traffic, about 660 loaded trucks per year or 1,320 total trucks (assuming an empty backhaul) could be added to area roadways per year. This would mean about 5 trucks per day, assuming 250 workdays per year.

## **HISTORIC REVIEW**

BNSF submitted a historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. BNSF served the report on L. Robert Pusehendorf, Nebraska State Historical Society (Nebraska SHPO) and Richard Pankratz, Kansas State Historical Society (Kansas SHPO) pursuant to 49 CFR 1105.8(c). The Nebraska SHPO submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment. The Nebraska SHPO states that there is always a possibility that previously unsuspected archaeological remains may be uncovered during the process of project construction. The Nebraska SHPO requests that it notified immediately under such circumstances so that an evaluation of the remains may be made, along with recommendations for future action. We will recommend a consultation condition based on the Nebraska SHPOs's concerns.

The Kansas SHPO submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800.4(d)(1) and 36 CFR 800.8, we have determined that the proposed abandonment will not affect historic properties listed in or eligible for inclusion in the National Register. The

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<sup>1</sup> The conversion factor is estimate used to calculate the rail to truck conversion of varied commodities.

documentation for this finding, as specified at 36 CFR 800.11(d), consists of the BNSF's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

### **CONDITIONS**

We recommend the following environmental conditions be placed on any decision granting abandonment authority.

1. The National Geodetic Survey has identified twenty three geodetic station markers that may be affected by the proposed abandonment. Therefore, BNSF shall notify NGS 90 days prior to salvage activities in order to plan for their relocation.

2. The Nebraska SHPO states that no historic properties listed in or eligible for inclusion in the National Register of Historic Places would be affected by the proposed abandonment. However, if any archaeological remains are uncovered during the project activities, BNSF shall contact the Nebraska SHPO immediately.

3. Based on the comments of the Nebraska Office of the U.S. Fish and Wildlife Service (Nebraska FWS), if salvage activities would take place during the nesting season of any migratory birds, BNSF shall consult with Nebraska FWS prior to beginning salvage regarding measures to avoid impacts to migratory birds, pursuant to the Migratory Bird Treaty Act.

### **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and, therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In this case, the existing quality of the human environment and energy consumption should not be affected.

### **PUBLIC USE**

If abandonment and salvage of the rail line does not take place, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

### **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

### **PUBLIC ASSISTANCE**

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Room 848, Washington, DC 20423.

### **ENVIRONMENTAL COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Ann Newman, who prepared this environmental assessment. **Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-Filing" link. Please refer to Docket No. AB-6 (Sub-No. 409X)** in all correspondence, including e-mail filings, addressed to the Board. If you have questions regarding this environmental assessment, you should contact Ann Newman at (202) 565-1657, fax at (202) 565-9000, or e-mail at [Newman@stb.dot.gov](mailto:Newman@stb.dot.gov).

Date made available to the public: June 7, 2004.

**Comment due date: July 7, 2004.**

By the Surface Transportation Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment

